

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION

LEE LOPEZ,

Plaintiff,

vs.

BUTTE SILVERBOW COUNTY  
JAIL and ANN SHEA,

Defendants.

CV-22-09-BU-BMM-JTJ

ORDER ADOPTING FINDINGS  
AND RECOMMENDATIONS

United States Magistrate Judge John T. Johnston entered his Findings and Recommendations in this case on April 15, 2022. (Doc. 7.) Judge Johnston recommended that the Court dismiss Plaintiff Lee Lopez's Complaint for failure to state a claim; that the Clerk of Court should be directed to close this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure; that the Clerk of Court should be directed to have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith; and that, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), Lopez's filing of this action counts as one strike against him. (*Id.* at 2.)

No party has filed an objection to the Findings and Recommendations. The Court has reviewed Judge Johnston's Findings and Recommendations for clear

error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendations and adopts them in full.

**IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 7.) are **ADOPTED IN FULL**.

1. Plaintiff's Amended Complaint (Doc. 4) is **DISMISSED**.
2. The Clerk of Court is directed to close this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.
3. The Clerk of Court is directed to have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith.
4. Pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), Lopez's filing of this action counts as one strike against him.

Dated the 25th day of May, 2022.

A handwritten signature in blue ink, reading "Brian Morris".

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Brian Morris, Chief District Judge  
United States District Court